

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 1 Queens Pass, Colts Neck, New Jersey

Address of Defendant: 863 Lancaster Avenue Bryn Mawr, PA

Place of Accident, Incident or Transaction: Bryn Mawr, PA

(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: _____ Judge _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?
Yes ☐ No ☒
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?
Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☐ All other Federal Question Cases
(Please specify)

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases
(Please specify)

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, L. Kenneth Chotiner, counsel of record do hereby certify:

- ☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
- ☐ Relief other than monetary damages is sought.

DATE: 9/21/11

L. Kenneth Chotiner

Attorney-at-Law

77451

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 9/21/11

L. Kenneth Chotiner

Attorney-at-Law

77451

Attorney I.D.#

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

Joseph. Ruggione
v.

CIVIL ACTION

The County of Lehigh

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

9/21/11
Date

L. Kenneth O'Brien
Attorney-at-law

Joseph. Ruggione
Attorney for

215 564 6244

Telephone

215 742 0890

FAX Number

lko@lehighcountypa.gov

E-Mail Address

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CASE MANAGEMENT TRACK DESIGNATION FORM

Joseph Ruggiero

v.

The Grog, et al.

CIVIL ACTION

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

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- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

9/21/11

Date

L. Kenneth Choline

Attorney-at-law

Joseph Ruggiero

Attorney for

215 564 6544

Telephone

215 972 2890

FAX Number

llc@thecholinefirm.com

E-Mail Address

JS 44 (Rev. 12/07)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Joseph Ruggiero

(b) County of Residence of First Listed Plaintiff Monmouth Co., NJ
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

L. Kenneth Chotiner, The Chotiner Firm, 1818 Market Street, Suite
3100 Philadelphia, PA 19103 215.564.6544

DEFENDANTS

The Grog, The Pub Group, LLC, The Pub Group II, LLC,
Douglas Shafer, Charles McHugh, Ryan Walsh, Torrence

County of Residence of First Listed Defendant Montgomery Co., PA
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|---------------------------------------|--|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input checked="" type="checkbox"/> 1 | Incorporated <i>or</i> Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input checked="" type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated <i>and</i> Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL INJURY	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	PROPERTY RIGHTS	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 630 Liquor Laws	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 650 Airline Regs	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 660 Occupational Safety-Health	SOCIAL SECURITY	<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability		LABOR	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 810 Selective Service
<input type="checkbox"/> 190 Other Contract	<input checked="" type="checkbox"/> 360 Other Personal Injury		<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 850 Securities/Commodities/Exchange
<input type="checkbox"/> 195 Contract Product Liability			<input type="checkbox"/> 720 Labor Mgmt. Relations	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 875 Customer Challenge 12 USC 3410
<input type="checkbox"/> 196 Franchise			<input type="checkbox"/> 730 Labor Mgmt. Reporting & Disclosure Act	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	<input type="checkbox"/> 740 Railway Labor Act	FEDERAL TAX SUITS	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 892 Economic Stabilization Act
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	Habeas Corpus:	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing Accommodations	<input type="checkbox"/> 530 General	IMMIGRATION		<input type="checkbox"/> 894 Energy Allocation Act
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 462 Naturalization Application		<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w. Disabilities - Employment	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> 463 Habeas Corpus - Alien Detainee		<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w. Disabilities - Other	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 465 Other Immigration Actions		<input type="checkbox"/> 950 Constitutionality of State Statutes
	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 555 Prison Condition			

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S.C. 1332

Brief description of cause:
Negligence, Assault, and Battery

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

09/26/2011

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JOSEPH RUGGIERO

Plaintiff

CIVIL ACTION

Vs.

No.: 11-CV-

THE GROG,
THE PUB GROUP, LLC, d/b/a THE GROG,
THE PUB GROUP II, LLC, d/b/a THE GROG,
DOUGLAS SHAFER
CHARLES McHUGH
RYAN WALSH
TORRENCE AMOS, Jr.
CHAND PATELLA, and,
JOHN DOE NUMBERS ONE THROUGH TEN

JURY TRIAL DEMANDED

Defendants

COMPLAINT

I. JURISDICTION

1. This action is brought pursuant to 28 U.S.C. Section 1332.
2. The Plaintiff, Joseph Ruggiero ("Plaintiff") is a Citizen of the State of New Jersey.
3. The Defendants are Citizens of the Commonwealth of Pennsylvania.
4. The amount in controversy exceeds \$75,000.00.

II. PARTIES

5. Plaintiff, Joseph Ruggiero, is a resident and citizen of the State of New Jersey, currently residing at 1 Queens Pass, Colts Neck, New Jersey.

6. Defendant, The Grog, is a business, entity, company, partnership, franchise, fictitious name, proprietorship, or, corporation with a registered office for the acceptance of service or a principal place of business at 863 Lancaster Avenue, Bryn Mar, Pennsylvania, 19010.

7. Defendant, The Pub Group, LLC, d/b/a, The Grog, is a business, entity, company, partnership, franchise, fictitious name, proprietorship, or, corporation with a registered office for the acceptance of service or a principal place of business at 863 Lancaster Avenue, Bryn Mar, Pennsylvania, 19010.

8. Defendant, The Pub Group II, LLC, d/b/a, The Grog, is a business, entity, company, partnership, franchise, fictitious name, proprietorship, or, corporation with a registered office for the acceptance of service or a principal place of business at 863 Lancaster Avenue, Bryn Mar, Pennsylvania, 19010.

9. Defendant, Douglas Shafer, is, upon information and belief, a resident and citizen of the Commonwealth of Pennsylvania, currently residing at 900 Edmonds Avenue, Drexel Hill, Pennsylvania 19026.

10. Defendant, Charles McHugh, is, upon information and belief, a resident and citizen of the Commonwealth of Pennsylvania, currently residing at 106 Spring Garden Street, West Conshohocken, PA 19428.

11. Defendant, Ryan Walsh, is, upon information and belief, a resident and citizen of the Commonwealth of Pennsylvania, currently residing at 18 Oakford Road, Wayne, PA 19087.

12. Defendant, Torrence Amos, Jr., is, upon information and belief, a resident and citizen of the Commonwealth of Pennsylvania, currently residing at 95 Springton Road, Upper Darby, Pennsylvania 19082.

13. Defendant, Chand Patella, is, upon information and belief, a resident and citizen of the Commonwealth of Pennsylvania, currently residing at 275 S. Bryn Mawr Avenue, Apartment D-9, Bryn Mawr, Pennsylvania 19010.

14. At all times material and relevant to this complaint, Defendant, The Grog, and/or its agencies, and the employees, agents, servants, managers and/or representatives of said defendant and/or its agencies, were the agents, servants, workmen, employees and/or representatives of each other and were acting within the course and scope of said employment and/or agency, and/or were acting for a common purpose or a joint venture.

15. At all times material and relevant to this complaint, Defendant, The Pub Group, LLC, d/b/a The Grog, and/or its agencies, and the employees, agents, servants, managers and/or representatives of said defendant and/or its agencies, were the agents, servants, workmen, employees and/or representatives

of each other and were acting within the course and scope of said employment and/or agency, and/or were acting for a common purpose or a joint venture.

16. At all times material and relevant to this complaint, Defendant, The Pub Group II, LLC, d/b/a The Grog, and/or its agencies, and the employees, agents, servants, managers and/or representatives of said defendant and/or its agencies, were the agents, servants, workmen, employees and/or representatives of each other and were acting within the course and scope of said employment and/or agency, and/or were acting for a common purpose or a joint venture.

17. At all times material and relevant to this complaint, said defendants, jointly and/or severally, did act through their agents, employees, owners, representatives, agents and/or employees while in the course and scope of their employment and/or agency.

18. Defendants, The Grog, The Pub Group, LLC, d/b/a The Grog, and/or, the Pub Group II, LLC, d/b/a the Grog, jointly and/or severally, owned, managed, possessed, selected personnel, staffed, trained, supervised, and/or operated a business known as The Grog at 863 W. Lancaster Avenue, Bryn Mawr, Pennsylvania.

19. All references to "bouncers" and/or "Defendants' bouncers" refer to those employees, servants, and/or agents of the Defendants, The Grog, The Pub Group, LLC, d/b/a The Grog, and/or, the Pub Group II, LLC, d/b/a the Grog, and Defendants, Shafer, McHugh, Walsh, and, Amos.

III. FACTS

20. On or about January 21, 2010, at approximately 11:30 p.m., Plaintiff, Joseph Ruggiero, was a business invitee at defendants' The Grog, The Pub Group, LLC, d/b/a The Grog, and/or, the Pub Group II, LLC, d/b/a the Grog, nightclub located at 863 W. Lancaster Avenue, Bryn Mawr, Pennsylvania.

21. At the aforesated time and place, one of plaintiff's friends was refused entry to the nightclub.

22. Plaintiff, who was already in the nightclub, with other friends, decided to leave.

23. Plaintiff left the nightclub without incident.

24. As plaintiff was walking down the street on Lancaster Avenue, he was approached by Defendants, Shafer, McHugh, Walsh, Amos, and Patella and was unlawfully assaulted, battered, and attacked by said defendants, hitting his body and/or striking him with an object without any legal

justification. Immediately prior to being attacked, plaintiff was peacefully and lawfully on the street off of defendants' premises.

25. As a result of plaintiffs attack by the individual defendants, he suffered injuries, including but not limited to, his head, teethe, and a central disc herniation at C5-C6.

26. Upon information and belief, at all relevant times, Defendants, Shafer, McHugh, Walsh, Amos, and Patella, were employed as employees, agents and/or servants of Defendants, The Grog, The Pub Group, LLC, d/b/a The Grog, and/or, the Pub Group II, LLC, d/b/a the Grog, jointly and/or severally, in the course and scope of their employment, service, and/or agency.

27. As the direct and proximate result of this incident, plaintiff has suffered injuries, which are or may be serious and permanent, including, but not limited to his head, teeth, and back, and, damage to his nerves and nervous system, and/or various other ills and injuries.

28. As a further result of this incident, plaintiff has been obligated to receive and undergo medical attention and care for his injuries, and to incur various expenses for said care, and he may be obligated to continue to expend such sums and to incur such expenses for an indefinite period of time in the future.

29. As a further result of this incident, plaintiff has been obligated to receive and undergo reasonable and necessary medical treatment and rehabilitative services for the injuries he has suffered, and to incur various expenses for said treatment and services, and he may incur various reasonable and necessary future medical expenses from the injuries sustained, and defendants, jointly and/or severally, are liable for all of same.

30. As a further result of this incident, plaintiff has suffered an injury, which may be in full or part a cosmetic disfigurement, which is or may be permanent, irreparable, or severe.

31. As a further result of this incident, plaintiff has been unable to attend to his daily chores, duties, and occupations, and may be unable to do so for an indefinite time in the future.

32. As a further result of this incident, plaintiff has been unable to attend to his daily chores, duties, and occupations, and may be unable to do so for an indefinite time in the future.

33. As a further result of this incident, plaintiff has or may suffer loss of earnings and impairment of his earning capacity and power, and may continue to suffer such a loss for an indefinite time in the future.

34. As a further result of the incident, plaintiff has or may continue in the future incur other financial expenses or losses to which he may be otherwise be entitled to recover.

35. As a further result of the incident, plaintiff has suffered severe physical pain, aches, mental anguish, and humiliation, inconveniences, and loss of life's pleasures, and he may continue to suffer the same for an indefinite time in the future.

**FIRST CAUSE OF ACTION
NEGLIGENCE, NEGLIGENT SECURITY and/or SUPERVISION
JOSEPH RUGGIERO v. THE GROG, THE PUB GROUP, LLC, and, THE PUB GROUP II, LLC**

36. Plaintiff, Joseph Ruggiero, incorporates herein by reference paragraphs one through thirty-five, inclusive, as though same were set forth at length.

37. Based on information and belief, Defendants, The Grog, The Pub Group, LLC, d/b/a The Grog, and/or, the Pub Group II, LLC, d/b/a the Grog, hired, selected and/or trained the bouncers/security personnel who at all relevant times, were defendants' employees, agents and/or servants, who participated in the act and/or omissions set forth above resulting in the attack, assault, battery, false imprisonment of and/or injuring contact to plaintiff.

38. Based on information and belief, defendants, jointly and/or severally, undertook the responsibility for providing security through bouncers and/or otherwise for business invitees and patron to defendants' premises, such as plaintiff.

39. Based on information and belief, defendants, jointly and/or severally maintain their own in/house bouncers and/or security force and provide all training and employee selection for their bouncers and/or security guards, including those who were on duty at the time of this attack and incident.

40. Based on information and belief, defendants selected and trained the bouncers and/or security guards and all other employees, agents and/or servants who were involved in hitting, contacting, assaulting, and/or battering plaintiff.

41. As set forth below, defendants, jointly and/or severally, failed to undertake their duty to protect their patrons and customers from crime, particularly from harm by their own employees, agents

and/or servants, with reasonable care which resulted in plaintiff being attacked and injured. Had defendants, jointly and/or severally, exercised reasonable care in the protection of their patrons, business invitees and customers, such as plaintiff, plaintiff would not have been attacked and/or would not have sustained injuries and damages as set forth herein.

42. Based upon information and belief, before plaintiff was attacked, defendants, jointly and/or severally, were aware of or, through reasonable care and/or diligence, should have been aware of a high incidence of unlawful activity within their premises and a need to protect their customers, patrons, and invitees, such as plaintiff. Further, upon information and belief, defendants' employee(s), agent(s), and/or servant(s), were the ones who attacked plaintiff.

43. Based upon information and belief, defendants, jointly and/or severally, by and through their employees, agents and/or servants, intentionally, knowingly with reckless indifference to plaintiff's rights and safety and/or through their failure to exercise ordinary, reasonable or due care caused plaintiff harm and/or offensive contact to plaintiff by words, actions and/or physical contact without plaintiff's consent and/or placed plaintiff in imminent apprehension of such or offensive contract.

44. Based on information and belief, plaintiff was injured and/or harmed as a result of the assaults by defendants' employees, servants and/or agents.

45. Based on information and belief, at all relevant times, the actions and conduct of defendants, jointly and/or severally, by and their employees, agents and/or servants, set forth above were done and/or committed and were a direct and proximate as a result of the failure to exercise due care, reasonable or ordinary and/or negligence. Said negligence and actions and/or inactions constituting the failure use reasonable or due care, and/or recklessness from defendants, jointly and/or severally, include, but are not limited to the following:

- (a) negligence and/or recklessness, as set forth herein and below;
- (b) Improper training, supervision, management and/or instructions to Defendants' bouncers, employees, servants and/or agents involved in the assault; battery, false imprisonment, arrest and/or attack of plaintiff;

- (c) The express and/or implied authorization to use improper, excessive, and/or unreasonable force against patrons and/or business invitees such as plaintiff;
- (d) The failure to create, implement, follow or adhere to industry standards, internal management and/or defendants' own policies regarding bouncing safety restraint, patron safety and/or prevention of excessive and/or unreasonable force;
- (e) Defendants' failure to properly and/or adequately select, hire and/or supervise the employees, agents involved in plaintiff's assault, battery, false imprisonment, arrest and/or attack;
- (f) Defendants' failure to use reasonable or ordinary care in the selection and/or hiring of defendants' bouncers, employees, servants and/or agents involved in plaintiff's assault, battery, false imprisonment, arrest and/or attack;
- (g) Defendants' failure to use due, ordinary or reasonable care to establish and/or provide proper and/or adequate employee, agent and/or servant rules, regulations and/or supervisor or management, surveillance, supervision, and/or policies to defendants' employees, bouncers, servants, and/or agents involved in plaintiff's assault, battery, false imprisonment, false arrest, and/or attack.
- (h) Defendants' failure to use due care to enforce proper and/or adequate employee, agent and/or servant rules, regulations, supervision and/or management with regard to such actions to prevent or otherwise intervene to minimize the attack, assault, battery, false imprisonment and/or arrest of plaintiff;
- (i) Defendants' failure to use due care to properly and/or adequately intervene and/or restrain defendants' bouncers, employees, servants and/or agents who attacked, assaulted, battered, falsely imprisoned and/or arrested plaintiff;
- (j) Defendants' failure to properly, reasonably, with ordinary and/or due care to properly or adequately intercede and/or contact emergency professional response such as police or others to prevent or minimize the attack, assault, battery, false imprisonment and/or arrest of plaintiff by defendants' agents, servants and/or employees, including by all those who who involved in said attack;
- (k) Defendants' use of unreasonable and/or excessive force;
- (l) Defendants' failure to use due care under the circumstances;
- (m) Defendants' failure to use due care in properly and/or adequately intervening an/or restraining defendants' bouncers, employees, servants and/or agents who attacked, assaulted, battered, falsely imprisoned and/or arrested plaintiff;
- (n) The failure to maintain proper or adequate supervision or surveillance of Defendants' personnel, agents, servants and/or employees under the circumstances presented;

- (o) The failure to test and/or properly monitor Defendants' supervision and/or surveillance to insure that they comply with proper and reasonable internal practices and as established in the industry;
- (p) The failure to establish and/or to enforce proper or adequate policies to prevent and deter excessive force, assault, battery, false imprisonment, and/or arrest such as what occurred to plaintiff;
- (q) The failure to adequately or properly intervene to prevent the assault of plaintiff;
- (r) The failure to adequately or properly intervene to prevent the battery of plaintiff;
- (s) The failure to adequately or properly intervene to prevent the false arrest, imprisonment of plaintiff;
- (t) Defendants' disregard and/or failure to properly or adequately follow its policies, practices and/or reasonable practices for preservation of patron safety;
- (u) Defendants' violation of federal and/or state law or ordinance, including negligence per se;
- (v) Failure to properly or adequately protect plaintiff from injury and/or assault;
- (w) Failure to properly or adequately investigate, research, interview and/or select defendants' security;
- (x) Breaching defendants' duties as an innkeeper to plaintiff;
- (y) Failure to correct prior acts of violence against patrons by defendants; employees and/or prior employees, agents and/or security personnel;
- (z) Failure to properly or adequately design, implement and use a security plan for the premises;
- (aa) The failure to install and/or incorporate proper or adequate security procedures and/or devices for defendants' patrons and invitees, such as plaintiff;
- (bb) Leaving plaintiff in a dangerous situation and/or location; and
- (cc) The failure to undertake defendants' security practice with reasonable care;

46. As a direct and proximate result of defendants' negligence, as set forth above, plaintiff suffered injuries and damages, as set forth from paragraph thirteen through paragraph twenty of this Civil Action Complaint.

47. Defendants' acts and/or omissions set forth above constituted a failure to exercise reasonable and/or ordinary care, and/or recklessness under the circumstances presented.

WHEREFORE, Plaintiff, Joseph Ruggiero, demands damages of the Defendants The Grog, The Pub Group, LLC, d/b/a The Grog, and/or, the Pub Group II, LLC, d/b/a the Grog, jointly and/or severally, in a sum in excess of \$75,000.00 plus interest, costs and other relief which the Court may deem appropriate.

SECOND CAUSE OF ACTION
STATE LAW CLAIM FOR ASSAULT AND BATTERY
JOSEPH RUGGIERO

v.

THE GROG, THE PUB GROUP, LLC D/B/A THE GROG AND THE PUBGROUP II LLC d/b/a THE GROG

48. By this reference plaintiff incorporates each and every allegation and averment set forth in Paragraphs 1 through 47 of this Complaint, as though fully set forth herein.

49. Defendants, jointly and/or severally, through their bouncers, employees, agents, intentionally, knowingly and/or recklessly attacked plaintiff by hitting, punching or otherwise engaging in verbal and/or physical abuse or offensive conduct to plaintiff.

50. As a direct and proximate result of Defendants' intentional, knowing and/or reckless acts, conduct and/or omissions, as set forth above, plaintiff suffered injuries and damages, as set forth from paragraph thirteen through paragraph twenty of this Civil Action Complaint.

WHEREFORE, Plaintiff, Joseph Ruggiero, demands damages of the Defendants The Grog, The Pub Group, LLC, d/b/a The Grog, and/or, the Pub Group II, LLC, d/b/a the Grog, jointly and/or severally, in a sum in excess of \$75,000.00 plus interest, costs and other relief which the Court may deem appropriate.

THIRD CAUSE OF ACTION
STATE LAW CLAIM FOR FALSE ARREST and/OR IMPRISONMENT
JOSEPH RUGGIERO

v.

THE GROG, THE PUB GROUP, LLC D/B/A THE GROG AND THE PUBGROUP II LLC d/b/a THE GROG

51. By this reference plaintiff incorporates each and every allegation and averment set forth in Paragraphs 1 through 50 of this Complaint, as though fully set forth herein.

52. Defendants, jointly and/or severally, by and through their bouncers, employees, agents and/or servants, intentionally, knowingly and/or recklessly permitted plaintiff's injuries and/or attack as forth above which included false imprisonment and/or arrest by defendants' bouncers, employees and/or agents, as set forth herein.

53. As a result of Defendant's intentional, malicious, willful, wanton, reckless acts, conduct and/or omissions, plaintiff was unlawfully restrained of his liberty, as well as being caused to suffer mental anguish, embarrassment, humiliation by being falsely imprisoned and arrested.

54. As a direct and proximate result of Defendants' intentional, knowing and/or reckless acts, conduct and/or omissions, as set forth above, plaintiff suffered injuries and damages, as set forth from paragraph thirteen through paragraph twenty of this Civil Action Complaint.

WHEREFORE, Plaintiff, Joseph Ruggiero, demands damages of the Defendants The Grog, The Pub Group, LLC, d/b/a The Grog, and/or, the Pub Group II, LLC, d/b/a the Grog, jointly and/or severally, in a sum in excess of \$75,000.00 plus interest, costs and other relief which the Court may deem appropriate.

THIRD CAUSE OF ACTION
STATE LAW CLAIM FOR ASSAULT AND BATTERY
JOSEPH RUGGIERO

v.

DOUGLAS SHAFER, CHARLES McHUGH, RYAN WALSH, TORRENCE AMOS, JR.,
CHAND PATELLA AND JOHN DOE NUMBERS ONE THROUGH TEN

55. By this reference plaintiff incorporates each and every allegation and averment set forth in Paragraphs 1 through 54 of this Complaint, as though fully set forth herein.

56. Defendants, jointly and/or severally, intentionally, knowingly and/or recklessly attacked plaintiff by hitting, punching or otherwise engaging in verbal and/or physical abuse or offensive conduct to plaintiff.

57. As a direct and proximate result of Defendants' intentional, knowing and/or reckless acts, conduct and/or omissions, as set forth above, plaintiff suffered injuries and damages, as set forth from paragraph thirteen through paragraph twenty of this Civil Action Complaint.

WHEREFORE, Plaintiff, Joseph Ruggiero, demands damages of the Defendants Douglas Shafer, Charles McHugh, Ryan Walsh, Torrence Amos, Jr., Chand Patella, and, John Doe Numbers One through Ten jointly and/or severally, in a sum in excess of \$75,000.00 plus interest, costs and other relief which the Court may deem appropriate.

FOURTH CAUSE OF ACTION
STATE LAW CLAIM FOR FALSE ARREST and/OR IMPRISONMENT
JOSEPH RUGGIERO

v.

DOUGLAS SHAFER, CHARLES McHUGH, RYAN WALSH, TORRENCE AMOS, JR.,
CHAND PATELLA AND JOHN DOE NUMBERS ONE THROUGH TEN

58. By this reference plaintiff incorporates each and every allegation and averment set forth in Paragraphs 1 through 57 of this Complaint, as though fully set forth herein.

59. Defendants, jointly and/or severally, intentionally, knowingly and/or recklessly permitted plaintiff's injuries and/or attack as forth above which included false imprisonment and/or arrest as set forth herein.

60. As a result of Defendants' intentional, malicious, willful, wanton, reckless acts, conduct and/or omissions, plaintiff was unlawfully restrained of his liberty, as well as being caused to suffer mental anguish, embarrassment, humiliation by being falsely imprisoned and arrested.

61. As a direct and proximate result of Defendants' intentional, knowing and/or reckless acts, conduct and/or omissions, as set forth above, plaintiff suffered injuries and damages, as set forth from paragraph thirteen through paragraph twenty of this Civil Action Complaint.

WHEREFORE, Plaintiff, Joseph Ruggiero, demands damages of the Defendants Douglas Shafer, Charles McHugh, Ryan Walsh, Torrence Amos, Jr., Chand Patella, and, John Doe Numbers One through Ten jointly and/or severally, in a sum in excess of \$75,000.00 plus interest, costs and other relief which the Court may deem appropriate.

FOURTH CAUSE OF ACTION
STATE LAW CLAIM FOR PUNATIVE DAMAGES
JOSEPH RUGGIERO
v.
ALL DEFENDANTS

62. By this reference plaintiff incorporates each and every allegation and averment set forth in Paragraphs 1 through 61 of this Complaint, as though fully set forth herein.

63. The conduct of defendants, jointly and/or severally, individually and/or by and through their agents, bouncer, employees and/or security staff constituted an intentional, knowing and/or reckless disregard and/or indifference for the safety of another, plaintiff, which was permitted to occur through defendants' express, actual tacit and/or constructive consent and/or actual or constructive knowledge of said attack, knowing or having reason to know of facts that would lead a reasonable person in defendants' position to realize, not only that this conduct created an unreasonable risk of physical harm to another, but also that the risk was substantially greater than that which would otherwise make defendants' conduct a failure to exercise ordinary care.

64. It is believed and averred that defendants, jointly and/or severally, permitted such an action to occur, and/or failed to prevent its occurrence, notwithstanding defendants, opportunity to prevent such harm. It is believed and averred that plaintiff's attack occurred through the willful, knowing and/or reckless disregard of and/or deviation from industry standards, reasonable practices, and/or defendants' own policies and procedures and/or defendants' willful, knowing or reckless failure to follow such standards, enforce them, and/or establish such policies, procedures and/or practices as a proximate result of defendants' failure to use and/or disregard for proper or adequate staff selection, hiring, training, supervision and/or management of defendants' employees, agents, bouncers and/or security staff who attacked plaintiff.

65. Based upon information and belief, defendants, by and through their agents, employees, bouncers and/or security staff, have engaged in reprehensible conduct in this incident and prior attacks.

66. Based upon information and belief, there have been other incidents of patron assault at defendants' premises, before and after plaintiff's incident discussed herein.

67. Defendants conduct, jointly and/or severally, is outrageous and intolerable and warrants exemplary damages. Based upon information and belief, the attack upon plaintiff was with the expressed and/or implicit approval of defendants' management, who expressly and/or implied, authorized the doing and/or refusal to implement or enforce policies to prevent the attack.

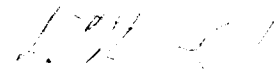
68. Based upon information and belief, defendants' employees and/or management ratified, expressly or implicitly, and/or otherwise approved of the attack of plaintiff.

69. For all of which harm and/or unreasonable, reckless and/or outrageous conduct, including but not limited to defendants' reckless disregard for the safety or well being of others, plaintiff respectfully requests punitive damages to be awarded against all named defendants, jointly and/or severally.

WHEREFORE, Plaintiff, Joseph Ruggiero, demands damages of the Defendants The Grog, The Pub Group, LLC, d/b/a The Grog, and/or, the Pub Group II, LLC, d/b/a the Grog, Douglas Shafer, Charles McHugh, Ryan Walsh, Torrence Amos, Jr., Chand Patella, and, John Doe Numbers One through Ten jointly and/or severally, in a sum in excess of \$75,000.00 plus interest, costs and other relief which the Court may deem appropriate.

THE CHOTINER FIRM

Dated: 9/22/11



L. KENNETH CHOTINER, ESQUIRE
Counsel for Plaintiff
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Dated: 8/8/11

DANIEL SCHWARTZ



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